

ORIGINAL  
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Federal Communications Commission  
Washington, D.C. 20554

NOV 18 2002

In the Matter of )

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARYAmendment of Section 73.202(b),  
Table of Allotments,MB Docket No  
RM- \_\_\_\_\_

FM Broadcast Stations.

(Gonzales and Baton Rouge, Louisiana )

To: Chief, Audio Division  
Media Bureau**PETITION FOR RULEMAKING**

Guaranty Broadcasting Company of Baton Rouge, LLC ("Guaranty"), by its attorneys, and pursuant to Section 1.420(i) of the Commission's Rules, hereby respectfully requests that the Commission initiate a rulemaking to make the following changes in its FM table of allotments:

City	Channel	
	Existing	Proposed
Baton Rouge, Louisiana	251C, 264C1 268C, 273C,	251C, 268C, 273C
Gonzales, Louisiana	-----	264C1

1. The instant proposal seeks the reallocation of Channel 264C1 from Baton Rouge, Louisiana, to Gonzales, Louisiana. The channel is currently licensed to Guaranty for use by its station WTGE, Baton Rouge. If the proposed reallocation is adopted, Guaranty will take all steps necessary (including the submission of any necessary application) to modify the authorization of WTGB to specify Gonzales as its city of license.

2. In *Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd 4870 (1989), *recon. granted in part*, 5 FCC Rcd 7094 (1990), the Commission stated that in order to grant a change in

File of Docket 02-278  
List A30, 05  
02-278

community of license: (1) the proposed use of the channel must be mutually exclusive with its current use; (2) the existing community of license must retain local service; and (3) the proposed arrangement of allotments must be preferred over the existing arrangement under the Commission's allotment priorities. The instant proposal meets each leg of that test.

3. First, the proposed use of Channel 264C1 at Gonzales is mutually exclusive with its use at Baton Rouge. Second, Baton Rouge will remain well served if this petition is granted. In addition to the three allocated FM channels, there are four noncommercial FM stations' and seven AM stations' licensed to serve Baton Rouge. Third, the proposal would provide Gonzales with its first local service, a preferred allotment priority.

4. There is no need for a showing under *Huntington Broadcasting Co. v. FCC*, 192 F.2d 33 (D.C. Cir. 1951) or *Faye & Richard Tuck*, 3 FCC Rcd 5374 (1988). While Gonzales is part of the Baton Rouge Urbanized Area, WTGE is already licensed to a city in that Urbanized Area. Therefore there is no issue of Guaranty seeking a preference under Section 307(b) of the Communications Act, and no attempt to remove a channel from a more rural to a more urban area.

5. The proposed reallocation requires no change in the WTGE transmitter site. The station already provides a 70 dBu signal over the entire community of Gonzales. See attached coverage map from current transmitter site of WTGE

6. Simultaneously herewith Guaranty is submitting a Petition seeking consolidation of this matter with pending Media Bureau Docket No. 02-295, which proposes the reallocation of one of the only two FM stations licensed to Houma, Louisiana, to Gonzales. The instant proposal has a

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<sup>1</sup> According to the Commission's CDBS system, these operate on Channels 203C3, 207C1, 212C3 and 216A.

<sup>2</sup> According to CDBS, the following AM stations are licensed to Baton Rouge: WRBH, WIBR, WJBO, WNDC, WPFC, WXOK and WYNK.


number of superior public interest features to that set forth in MB Docket No. 02-295, and the public interest requires that these alternative proposals be considered in tandem.

For all these reasons, Guaranty requests that the Commission make the changes to the FM Table of Allotments specified in the instant petition

Respectfully submitted,

Guaranty Broadcasting Company of  
Baton Rouge, LLC

By:

  
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# Contour Analysis

Technical Services, Inc.

Job: WTGE.fmj

Master Database: 2002\_NOV\_13.fmd

Lat: N30:19:36 Lon: W091:16:36 NAD-83

Scale: 1:1000000

Channel: 264 Class: C

Status: Licensed, Construction Permit, Application, Addition, Vacant/Reserved

Channels: Co-Channel, 1st Adj, 2nd Adj, 3rd Adj, IF, TV6

Range: 30 km, Clearance: -0.5km

Comments: 70 dBu Coverage of Gonzales, LA

Description: WTGE C 70 dBu Gonzales, LA

rfInvestigator Version 1.4.1

by rfSoftware, Inc.

Date: 11/17/02 2:59:10 PM

Key:

Protected

2nd 3rd Adj

